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17
18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA
20

21 MICHAEL L. POTTS, D.D.S., and THE
22 AMERICAN ACADEMY OF IMPLANT
DENTISTRY,

23 Plaintiffs,

24 v.

25 BRIAN STIGER, in his Official Capacity as
26 Director, California Department of Consumer
Affairs, et al.,

27 Defendants.
28


Case No. Civ. S-03-0348 JAM DAD

**Stipulation and Order re: Evidence in
Support of Pending Motions for Summary
Judgment/ Summary Adjudication**

Date: 07/07/10
Time: 9:00 a.m.
Courtroom: 6 – 14th Floor
Judge John A. Mendez
Trial Date Vacated
Action Filed: February 25, 2003

FILED

JUN 14 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

1 Plaintiffs Michael L. Potts, D.D.S., and The American Academy of Implant Dentistry
2 ("AAID") (collectively "plaintiffs"), and Brian Stiger, Director, California Department of Consumer
3 Affairs, and individually named members of the California Dental Board (sued only in their official
4 capacity) (collectively "defendants") hereby respectfully submit the following Stipulation and Order
5 regarding the admission of certain documents into evidence for the hearing on the Motions for
6 Summary Judgment/ Summary Adjudication set for July 7, 2010.

7 The parties agree that all documents filed after the discovery cut-off of December 1, 2003,
8 but submitted in support of and in opposition to the Cross-Motions for Summary Judgment that was
9 heard in this matter previously on or about March 10, 2004, may be relied upon by this court in the
10 pending Motions for Summary Judgment/ Summary Adjudication set for July 7, 2010, subject to any
11 challenges to admissibility under the Federal Rules of Evidence. Defendants withdraw their motion
12 to strike the Declarations of Armstrong and Stokes based on their filing date.

13 Furthermore, defendants withdraw their Evidentiary Objection and Motion to Strike the
14 Declaration of plaintiff Michael L. Potts, D.D.S. dated March 25, 2010 ("Potts II Declaration")
15 [Docket No. 169] and Declaration of Sharon Bennett dated March 30, 2010, with attached exhibits,
16 on the grounds that they filed after the discovery cut-off. [Docket No. 168].

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1 All Declarations filed in support or in opposition to the pending Motions for Summary
2 Judgment/ Summary Adjudication currently set for July 7, 2010, may be considered, subject to any
3 challenges to admissibility under the Federal Rules of Evidence.

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5 DATED: June 9, 2010

6 FRANK R. RECKER
7 FRANK R. RECKER & ASSOCIATES CO.,
8 L.P.A.

9 and

10 McDONOUGH HOLLAND & ALLEN PC
11 Attorneys at Law

12 By: /s/
13 ANN TAYLOR SCHWING
14 Attorneys for Plaintiffs

15 and

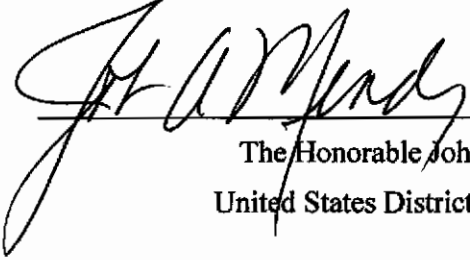
16 EDMUND G. BROWN, JR.
17 Attorney General of the State of California

18 By: /s/
19 JEFFREY M. PHILLIPS
20 Deputy Attorney General
21 Attorneys for Defendants

22 **ORDER**

23 After considering the stipulation by the parties, and good cause appearing, it is so ordered.

24 Dated: 6-10-2010

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The Honorable John A. Mendez
United States District Court Judge